

OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

SUMMARY OF REGISTERED LOBBYISTS INFORMATION

The Director of Campaign Finance herewith publishes a summary of registered lobbyists information submitted to the Office of Campaign Finance on or before February 15, 2004 by persons registered as lobbyists with the Director pursuant to the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, as amended, D.C. Official Code Section 1-1105.04 (2001 Edition).

A person is required to register as a lobbyist with the Director of Campaign Finance on or before January 15th of each year, or not later than 15 days after becoming a lobbyist, if such person receives compensation or expends funds in an amount of \$250 or more in any three (3) consecutive calendar month period for communicating directly with any official in the legislative or executive branch of the District of Columbia government with the purpose of influencing any legislative action or an administrative decision, D.C. Official Code Sections 1-1105.02 and 1-1105.04.

If information pertaining to a lobbyist registered with the Office of Campaign Finance, is not contained herein and/or if a person requires additional information regarding District of Columbia lobbying statutes, please contact the Office of Campaign Finance, 2000-14th Street, N.W., Suite 420, Washington, D.C. 20009, telephone number (202) 671-0550.

Publications Price List (Continued)

OTHER PUBLICATIONS

1994 - 1996 Indices	\$52.00 + \$5.50 postage
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Complete Set of <i>D.C. Municipal Regulations</i>	\$627.00
D.C. Register yearly subscription	\$195.00
Rulemaking Handbook & Publications Style Manual (1983)	\$5.00
*Supplements to D.C. Municipal Regulations	\$4.00

MAIL ORDERS: Send exact amount in check or money order made payable to the D.C. Treasurer. Specify title and subject. Send to: D.C. Office of Documents and Administrative Issuances, Room 520, One Judiciary Square, 441 - 4th St., N.W., Washington, D.C. 20001. Phone: 727-5090

OVER THE COUNTER SALES: Come to Rm. 520, One Judiciary Sq., Bring cash, check or money order.

All sales final. A charge of \$65.00 will be added for any dishonored check (D.C. Law 4-16)

DC OFFICE OF CAMPAIGN FINANCE

Lobbyist Listing January 10th Report

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040818 1000 K Street- LLC Kite Companies, 30 Meridan Street, Ste. 110 Indianapolis, IN 46204	Godwin, Michael Pozen, Thorn Smith, Carey	1000 K Street - LLC Kite Companies, 30 South Meridian Street, Ste. 110 Indianapolis, IN 46204 Tax increment financing proposal	01/15/2004
LOBOOO040790 AAHP-HIAA 601 Pennsylvania Ave. NW. Ste. 500 Washington, DC 20004	Tindall, Jeff Balasubramaniam, Vidaya	AAHP-HIAA 601 Pennsylvania Ave. NW Ste 500 Washington, DC 20004	01/09/2004
LOBOOO040411 AARP 601 E St., NW Washington, DC 20049	Castaldi, Mimi Page, Carol	AARP 601 E St.,NW Washington, DC 20049 Health and Long Term Care	01/08/2004
LOBOOO040681 AARP Foundation 601 E. Street NW Washington, DC 20049	Hagans, Robert	AARP Foundation 601 E Street, NW Washington, DC 20049 Bond Authorization	01/12/2004
LOBOOO040493 ACS State & Local Solutions 1200 K St. NW Washington, DC 20005	Pearson, Kerry	ACS State & Local Solutions 1200 K Street, NW Washington, DC 20005 Various Parking and Transportation Issues	01/20/2004
LOBOOO040837 Advance PCS 1300 I Street, NW, 525 W Washington, DC 20005	Baldwin, Lauren Block, Lisa	Advance PCS 1300 I Street, NW, 525W Washington, DC 20005 PBM Issues	01/14/2004

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST**

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001)	\$16.00
3	DCMR ELECTIONS & ETHICS (JUNE 1998)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995)	\$13.00
5	DCMR BOARD OF EDUCATION (JUNE 1997)	\$26.00
6A	DCMR POLICE PERSONNEL (MAY 1988)	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986)	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988)	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998)	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999)	\$33.00
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR CONSTRUCTION CODES SUPPLEMENT (2003)	\$25.00
13	DCMR ELECTRICAL & MECHANICAL CODE (MARCH 1987)	\$10.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984)	\$7.00
14	DCMR HOUSING (JULY 1991)	\$20.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998)	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998)	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986)	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES AND FOOD (JUNE 1997)	\$20.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003)	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985)	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988)	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (MAY 1987)	\$20.00
29	DCMR PUBLIC WELFARE (MAY 1987)	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (DECEMBER 1998)	\$16.00

DISTRICT OF COLUMBIA REGISTER

FEB 13 2004

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040828 AEG 14120 Newbrook Drive, Suite 170 Chantilly, VA 20151	Plotkin & Kahn, PLLC, Arent Fox Kint	AEG 14120 Newbrook Drive, Suite 170 Chantilly, VA 20151 Financing & construction of soccer stadium	01/13/2004
LOBOOO040762 American College of Cardiology, American College of Cardiology Found. Hart House 9111 Old Georgetown Rd. Bethesda, MD 20814	Covucci, Arnold & Porter, George Pozen, Arnold & Porter, Thorn	Americian College of Cardiology American College of Cardiology Foundation Hart House 9111 Old Georgetown Rd. Bethesda, MD 20814	01/12/2004
LOBOOO040175 American Council of Life Insurance 1001 Pennsylvania Ave., N.W. Washington, DC 20004-2599	Waiters, Joann	American Council of Life Insurance 101 Constitution Avenue, NW, Suite 700 Washington, DC 20001 Life/health ins., annuities etc.	01/14/2004
LOBOOO040879 Amerigroup 750 First Street, NE, Ste. 1120 Washington, DC 20002	Henderson, Scott	Amerigroup 750 First Street, NE, Ste. 1120 Washington, DC 20002 Issues regarding Medicaid	01/09/2004
LOBOOO040852 Amgen 1300 I Street NW, Suite 470 East Washington, DC 20005	Romness, Paul	Amgen 1300 I Street, NW, Ste., #470 East Washington, DC 20005 Pharmaceutical manufacturing	01/22/2004
LOBOOO040770 Anheuser Busch Companies, Inc. 1401 I Street NW Ste 200 Washington, DC 20005	Wilmot, David	Anheuser Busch Companies 1401 I Street, NW, Ste. 200 Washington, DC 20005	01/12/2004
LOBOOO040473 Anheuser Busch Companies, Inc. 1776 I. St. NW Suite., 400 Washington, DC 20036	Wilmot, Esq., David	Anheuser Busch Companies, Inc. 1776 I Street, NW, Ste. 400 Washington, DC 20036	01/12/2004

BZA APPLICATION NO. 17107

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DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant Address</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>City, State and Zip</i>	<i>Jan Date</i>
<i>Permanent Address</i>		<i>Nature of Lobbying</i>	<i>July Date</i>
<i>City, State and Zip</i>			<i>Term Date</i>
LOBOOO040802 Apartment & Ofc. Building Assoc. of Metro. Wash. 1050 17th St. NW Ste. 300 Washington, DC 20036	Pharr, W. Jeffers, Margaret Luchs, PC, Greenstein, DeLorme &	Apartment & Ofc. Building Assoc. of Metro. Wash. 1050 17th Street NW. Ste 300 Washington, DC 10025	01/12/2004
LOBOOO040375 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036	Glynn, Sean	Maret School, Inc. 3000 Cathedral Avenue, NW Washington, DC 20008 Authorization of Bond Financing	01/13/2004
LOBOOO040477 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW Washington, DC 20036	Newman, Richard	Protestant Episcopal Cathedral Foundation of DC (National Cathedral School) Mount St. Alban's NW Washington, DC 20016 Authorization of Bond Financing	01/13/2004
LOBOOO040834 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Thomas Jefferson Street, NW, Suite 100 Washington, DC 20036	Newman, Richard	Washington Drama Society, Inc., d/b/a/ Arena Stage 1101 6th Street, SE Washington, DC 20024 Enactment of financing	01/13/2004
LOBOOO040835 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036	Glynn, Sean	Washington Jesuit Academy 800 Third Street, NE Washington, DC 20002 Authorization for bond financing	01/13/2004
LOBOOO040830 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036	Newman, Richard Bouker, Jon	Johns Hopkins University 1101 E. 33rd Street Baltimore, MD 21218 Real Estate Disposition	01/13/2004
LOBOOO040831 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036	Bouker, Jon Engle, Craig	AEG 14120 Newbrook Drive, Suite 170 Chantilly, VA 20151 Location, financing & construction	01/13/2004

and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITION**:

The Applicant shall provide 20 off-street parking spaces during the hours of operation.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John G. Parsons and David A. Zaidain to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: JAN 29 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT

DISTRICT OF COLUMBIA REGISTER

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Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040555 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Ave. NW Washington, DC 20036	Newman, Richard Bouker, Jon	Corcoran Gallery of Art 500 Seventeenth Street NW. Washington, DC 20006	01/13/2004
LOBOOO040557 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Ave. NW. Washington, DC 20036	Newman, Richard Bouker, Jon	The Jewish Primary Day School of the Nation's Capital, Inc. 2100 Linden Lane Silver Spring, MD 20190	01/15/2004
LOBOOO040833 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036	Newman, Richard Bouker, Jon	Jones Lang LaSalle 1401 Eye Street, NW, Suite 900 Washington, DC 20005 Real Estate Disposition	01/13/2004
LOBOOO040769 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Ave. NW Washington, DC 20036	Newman, Richard Bouker, Jon	AARP 601 E Street NW Washington, DC 20049	01/12/2004
LOBOOO040451 Arnold & Porter 555 Twelfth St NW. Washington, DC 20004	Porter, Stephan Goodwin, Michael	Bear Saint Properties, Inc. 1050 Thomas Jefferson St. NW., Suite 100, Washington, DC 20007	01/15/2004
LOBOOO040759 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004	Covucci, George Pozen, Arnold & Porter, Thorn	American College of Cardiology, Foundation Hart House 9111 Old Georgetown Rd. Bethesda, MD 20814	01/12/2004
LOBOOO040760 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004	Goodwin, Arnold & Porter, Michael Pozen, Arnold & Porter, Thorn	1000 K. Street-LLC c/o Jeff Lynch Kite Companies 30 South Meridian St, Suite 110 Indianapolis, IN 46204	01/12/2004

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17107 of Bennett Career Institute, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, for a vocational/technical school and child development center in the C-1 District at premises 700 Monroe Street, N.E. (Square 3657, Lot 827).

HEARING DATE: January 27, 2004

DECISION DATE: January 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 5C. ANC 5C did not participate in the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party,

<i>Lobbyist ID</i> <i>Registrant Name</i> <i>Permanent Address</i> <i>City, State and Zip</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i> <i>Address</i> <i>City, State and Zip</i> <i>Nature of Lobbying</i>	<i>Registrant Date</i> <i>Jan Date</i> <i>July Date</i> <i>Term Date</i>
LOBOOO040761 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004	Coviucci, Arnold & Porter, George Pozen, Arnold & Porter, Thorn	Tregaron Limited Partnership Finkle, Ross & Rost LLP, 100 Ring Rd. West#208 Garden City, NY 11530	01/12/2004
LOBOOO040816 Arnold & Porter 555 12th Street, NW Washington, DC 20004	Phillips, Stephaine Sprague, Mary Pozen, Thorn	CSX Corporation 500 Water Street, 15th Floor Jacksonville, FL 32202 Hazmat transportation issues	01/15/2004
LOBOOO040822 Arnold & Porter 555 12th Street, NW Washington, DC 20004	Goodwin, Michael Pozen, Thorn	Washington Boat Lines, Inc. 1050 Thomas Jefferson Street, NW, Ste. 100 Washington, DC 20007 General Matters	01/15/2004
LOBOOO040890 Associated Builders & Contrctrs. of Metro Wash. 4061 Powder Mill Rd. #120 Calverton, MD 20705	Zinsmeister, Robert Slaughter, Ken	Associated Builders & Contractors 4061 Powder Mill Road #120 Calverton, MD 20705	01/29/2004
LOBOOO040791 AstraZeneca 1800 Concord Pike 70C Wilmington, DE 19850	Draine, Michael	AstraZeneca Pharmaceuticals 1800 Concord Pike 70C Wilmington, DE 19850	01/12/2004
LOBOOO040796 AT & T 1120 20th Street, NW, Suite 1000 Washington, DC 20036	Lee, Angela	AT & T 1120 20th Street, NW Washington, DC 20036 Telecommunications	01/08/2004
LOBOOO040756 Baker & Hostetler, LLP 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036	McDonald, Tom Kerrigan, Kathleen	Public Storage, Inc. 701 Western Avenue, Ste. 200 Glendale, CA 91201 Uniform Commerical Code	01/09/2004

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FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

DISTRICT OF COLUMBIA REGISTER

FEB 13 2004

Lobbyist ID Registrant Name Permanent Address City, State and Zip	Lobbyist Name	Compensating Registrant Address City, State and Zip Nature of Lobbying	Registrant Date Jan Date July Date Term Date
LOBOOO040729 Bank of America 100 North Tryon Street Charlotte, NC 28255	Day, A. Marie	Bank of America 100 North Tryon Street Charlotte, NC 28255 Banking & Financial services industries	12/31/2003
LOBOOO040539 Bear Saint Properties, Inc. 1050 Thomas Jefferson Street NW. Suite 100 Washington, DC 20007	Arnold Porter, Stephen Porter Arnold Porter, Michael Goodwin	Bear Saint Properties, Inc. 1050 Thomas Jefferson Street NW. Suite 100 Washington, DC 20007 GPO Site	01/15/2004
LOBOOO040758 Cable Telecommunications Association of MD, DE & DC 2530 Riva Rd, Suite 316 Annapolis, MD 21401	O'Dell, Wayne Gunther, Robert Conwell, John	Cable Telecommunications Association of MD, DE & DC 2530 Riva Rd. Ste. 316 Annapolis, MD 21401	01/13/2004
LOBOOO040484 Carefirst BlueCross BlueShield 10455 Mill Run Circle Owings Mill, MD 21117	Hatton, Julie Schneider, Pauline	CareFirst BlueCross BlueShield 10455 Mill Run Circle Owings Mill, MD 21117 Health Insurance	01/09/2004
LOBOOO040465 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Jemmott, Diane Harper, Dal Carmen, David Hampton, Greg Thompson, David	Major Medicaid Hospital Coalition 111 Michigan Ave. NW. Washington, DC 20001 Medicaid	01/15/2004
LOBOOO040369 Carmen Group, Inc. 1301 K Street, 8th Floor East Washington, DC 20005	Carmen, David Hampton, Greg Thompson, David	Washington Hospital Center 110 Irving Street, NW Washington, DC 20010 Healthcare Policy & Funding	01/15/2004
LOBOOO040535 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Jemmott, Diane Carmen, David Harper, Dal Hassell, John Hoitsma, Gary O'Connell, Mia Wassmer, Victoria	Western Development Corporation 1054 31st Street NW. #410 Washington, DC 20007 Developer	01/15/2004

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law.

VOTE: **5-0-0** (Geoffrey H. Griffis, David A. Zaidain, Ruthanne G. Miller and Curtis L. Etherly, Jr. to approve, John G. Parsons to approve by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: FEB - 5 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS,

DISTRICT OF COLUMBIA REGISTER

FEB 13 2004

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>Address</i>	<i>Jan Date</i>
<i>Permanent Address</i>		<i>City, State and Zip</i>	<i>July Date</i>
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LOBOOO040536 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Jemmott, Diane Carmen, David Harper, Dal	Urban Services Systems Corporation 212 Van Buren Street, NW Washington, DC 20012 Solid Waste	01/15/2004
LOBOOO040371 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Jemmott, Diane Wassmer, Victoria Harper, Dal	Parsons Transportation Group, Inc. 1133 15th Street, NW 20005 DC Government Centers	01/15/2004
LOBOOO040826 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Jemmott, Diane Harper, Dal	Metropolitan Washington Airports Authority 1 Aviation Circle Washington, DC 20005 Taxicab issues	01/15/2004
LOBOOO040423 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Carmen, David	Washington Sports & Entertainment 601 F St. NW. Washington, DC 20004 Economic Development	01/15/2004
LOBOOO040370 Carmen Group, Inc. 1301 K Street, NW, 8th Floor East Washington, DC 20005	Jemmott, Diane Carmen, David	Related Companies 65 Madison Avenue New York, NY 10022 Economic Development Projects	01/15/2004
LOBOOO040867 Carr Enterprises, LLC 1750 H Street NW Washington, DC 20006	Tummonds, Shaw Pittman, Paul	Carr Enterprises, LLC 1750 H Street NW Washington, DC 20037	01/22/2004
LOBOOO040059 Children's National Medical Center 111 Michigan Avenue Washington, DC 20010	Bowens, Jacqueline Todd, Greta The, Carmen Group	Children's National Medical Center 111 Michigan Avenue, NW Washington, DC 20010 Health Care Issues	01/15/2004

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17106 of Melva and Idriys Abdullah, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under section 401, a variance from the rear yard requirements under section 404, a variance from the side yard requirements under section 405, and a variance from the off-street parking requirements under subsection 2101.1, to allow the construction of a new single-family detached dwelling in the R-1-B District at premises 6025 North Dakota Avenue, N.W. (Square 3377, Lot 11).

HEARING DATE: January 27, 2004

DECISION DATE: February 3, 2003

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 4B. ANC 4B did not participate in the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2.

Based upon the record before the Board and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 401, 404, 405 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOB000040772 Cingular Wireless/Ron Burleson 5565 Glenridge Connector, 17th Floor, Atlanta, GA 30342	Wilmot, David	Cingular Wireless/Ron Burleson 5565 Glenridge Connector, 17th Floor Atlanta, GA 30342	01/12/2004
LOB000040824 Clay C. Opara 13A West Biddle Street Baltimore, MD 21201	Opara, Clay	Medco Health 15811 Glacier Ct. N. Potomac, MD 20878 Pharmacy	01/14/2004
LOB000040825 Clay C. Opara 13A West Biddle Street Baltimore, MD 21201	Opara, Clay	Express Scripts 6625 West 78th Street Bloomington, MN 55439 Pharmacy	01/14/2004
LOB000040435 Coalition for Non Profit Housing & Economic Development 5 Thomas Circle, NW Suite 209 Washington, DC 20012	Pohlman, Robert	Coalition for Non Profit Housing & Economic Development 5 Thomas Circle, NW, Suite 209 Washington, DC 20012	01/29/2004
LOB000040784 Colonial Parking 1050 Thomas Jefferson St. NW Ste 100 Washington, DC 20009	Brown, Max	Colonial Parking 1050 Thomas Jefferson Street, NW, Ste. 100 Washington, DC 20009	01/12/2004
LOB000040845 Corcoran Gallery of Art 500 17th Street NW Washington, DC 20006	Arent Fox Kintner Plot & KahnPLLC	Corcoran Gallery of Art 500 17th Street NW Washington, DC 20006 Funding for The Millennium Arts Center.	01/12/2004
LOB000040706 CSX Corporation 500 Water Street, 15th Floor Jacksonville, FL 32202	Shinn, Robert	CSX Corporation 500 Water Street, 15th Floor Jacksonville, FL 32202 Hazmat transportation issues	01/15/2004

BZA APPLICATION NO. 17105

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JAN 30 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>Address</i>	<i>Jan Date</i>
<i>Permanent Address</i>		<i>City, State and Zip</i>	<i>July Date</i>
<i>City, State and Zip</i>		<i>Nature of Lobbying</i>	<i>Term Date</i>
LOBOOO040396 D.C. Chartered Health Plan, Inc. 820 1st Street NE Washington, DC 20002	Ray, John Ang, Tina Johnson, Thomas	D.C. Chartered Health Plan, Inc. 820 1st Street, NE Washington, DC 20002 Health care services	01/08/2004
LOBOOO040197 D.C. Insurance Federation 50 F Street, NW, Suite 600 Washington, DC 20001	Berman, Lawrence	D.C. Insurance Federation 50 F Street, NW, Suite 600 Washington, DC 20001 Matters re: Insurance business	01/16/2004
LOBOOO040793 D.C. Legal 1100 Connecticut Avenue, NW, Ste. 800 Washington, DC 20036	Nathanson, Jim	D.C. Legal 1100 Connecticut Avenue, NW, Ste. 800 Washington, DC 20036 personal injury	01/09/2004
LOBOOO040780 David W. Wilmot, Esq 1010 Vermont Ave. NW. Ste 810 Washington, DC 20005	Wilmot, David	Hotel Association of Washington, DC Inc. 1201 New York Ave. NW Ste. 601 Washington, DC 20005	01/12/2004
LOBOOO040781 David W. Wilmot, Esq 1010 Vermont Ave. NW Ste 810 Washington, DC 20005	Wilmot, David	Teachers Insurance and Annuity College Retirement Equities Fund(TIAA-CREF) 730 Third Ave. New York, NY 10017	01/12/2004
LOBOOO040782 David W. Wilmot, Esq. 1010 Vermont Ave. NW. Ste. 810 Washington, DC 20005	Wilmot, David	AT&T Wireless c/o Ms. Kathleen Kittrick S.E. Regions, 6505 Waldo Court Alexandria, VA 22315	01/12/2004
LOBOOO040785 David W. Wilmot, Esq. 1010 Vermont Ave. NW. Ste. 810 Washington, DC 20005	Bagwell, Andrea	District of Columbia Association of Health Maint. Organizations(DCHMO) 1010 Vermont Ave. NW. Ste. 810 Washington, DC 20005	01/12/2004

BZA APPLICATION NO. 17105

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concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. The nursery school shall operate Monday to Friday mornings from approximately 8:00 a.m. to 12:30 p.m., with a maximum enrollment of 16 children, 6 teachers, and 2 staff.
2. The parent-toddler groups shall occur on Monday to Thursday afternoons and will have a maximum of 8 toddlers, 8 parents or caregivers, and 3 teachers. These groups shall last for 90 minutes each and will occur between 1:00 p.m. and 4:00 p.m. There shall be only one parent-toddler group per afternoon.
3. A summer session of the nursery school, if offered, shall be no more than eight-weeks in duration.
4. There shall be no more than four special events in any year. Such events shall only occur in the evening or on Sunday and will be scheduled to avoid coinciding with other events at the Church that are expected to attract significant numbers of visitors. Notice of special events shall ask attendees to park in the Church parking lot and will be forwarded to ANC 3F.
5. The Center shall provide written traffic and parking instructions to parents, teachers, and staff, including instructions to enter the Church parking lot via the easternmost driveway from Chesapeake Street, to use the western entrance for drop-off and pick-up of children, and to park only in the Church parking lot. It shall also encourage parents to avoid driving on the portion of Gates Road, N.W., between 30th and 31st Streets, N.W.
6. The Center shall designate a neighborhood liaison for neighbors to contact to discuss any concerns about the Center's operations. The liaison shall record the complaints and concerns registered and the action taken or resolution of the matter.

VOTE: 5-0-0

(Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., David A. Zaidain, and John G. Parsons to approve).

DISTRICT OF COLUMBIA REGISTER

FEB 13 2004

Lobbyist ID	Lobbyist Name	Compensating Registrant Address	Registrant Date
Registrant Name			Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040773 David W. Wilmot, Esq. 1010 Vermont Ave. NW Ste. 210 Washington, DC 20005	Wilmot, David	Cingular Wireless c/o Randy Roberts 5565 Glenridge Connector, 17th Flr. Atlanta, GA 30342	01/12/2004
LOBOOO040774 David W. Wilmot, Esq. 1010 Vermont Ave. NW Ste. 810 Washington, DC 20005	Wilmot, David	WorldCom, Inc. (Formerly MCI, Inc.) c/o Mr. Seth Mamin, State Gov't Affairs, WorldCom 1133-19th Street NW Washington, DC 20006	01/12/2004
LOBOOO040776 David W. Wilmot, Esq. 1010 Vermont Ave. NW Ste. 810 Washington, DC 20005	Wilmot, David	Comcast Cable Communications, Inc. c/o Kathy Etemad 900 Michigan Ave. NE. Washington, DC 20004	01/12/2004
LOBOOO040777 David W. Wilmot, Esq. 1010 Vermont Ave. NW Ste. 810 Washington, DC 20005	Wilmot, David	Fannie Mae 3900 Wisconsin Ave. NW Washington, DC 20036	01/12/2004
LOBOOO040779 David W. Wilmot, Esq. 1010 Vermont Ave. NW Ste. 810 Washington, DC 20005	Wilmot, David	PEPCO Office of Gov't Relations 701 9th Street NW Washington, DC 20004	01/12/2004
LOBOOO040891 David W. Wilmot, Esq. 1010 Vermont Ave. NW. Ste. 810 Washington, DC 20005	Wilmot, David	AT&T Wireless Services Mid-Atlantic-Southeast Regions 6305 Waldo Crt. Alexandria, VA 22315	01/12/2004
LOBOOO040734 DC Hospital Association 1250 Eye Street, NW, Ste. 700 Washington, DC 20005	Malson, Robert Tucker, Debi	DC Hospital Association 1250 Eye Street, NW, Suite 700 Washington, DC 20005 Health Care	01/07/2004

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17105 of Jenny Waelder Hall Center for Children, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (16 children, 6 teachers and 2 staff) under section 205, in the R-1-A District in an existing church building at premises 3150 Chesapeake Street, N.W. (Square 2263, Lot 836).

Note: The Applicant amended the application at the hearing; reducing the number of children requested from 20 to 16.

HEARING DATE: January 27, 2004

DECISION DATE: January 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application. ANC 3F submitted a report stating it had no objection to the application or the conditions. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 205. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040740 Fannie Mae 3900 Wisconsin Ave. NW. Washington, DC 20016	Duncan, Duane Maloney, Robert Jones, Charles Wilmot, David Cooke, Frederick	Fannie Mae 3900 Wisconsin Ave., NW Washington, DC 20016	01/09/2004
LOBOOO040750 Frank D. Boston, III Village Square I, Ste. 169, Baltimore, MD 21210	Boston, Frank	Miller Brewing Company 1175 Peachtree St. NE Ste. 1660 Atlanta, GA 30361	01/09/2004
LOBOOO040751 Frank D. Boston, III Village Square I, Ste 169 Baltimore, MD 21210	Boston, Frank	Kraft Foods North America, Inc. Morris Management Corp. 101 Constitution Ave. NW Ste. 400 Washington, DC 20005	01/09/2004
LOBOOO040752 Frank D. Boston, III Village Square I, Ste. 169 Baltimore, MD 21210	Boston, Frank	Elevator Industry Work Preservation Fund 3608 156th Street Urbandale, IA 50323	01/09/2004
LOBOOO040754 Frank D. Boston, III Village Square I, Ste. 169 Baltimore, MD 21210	Boston, Frank	Altria Corporate Services, Inc. 101 Constitution Ave. Ste. 400 Washington, DC 20005	01/09/2004
LOBOOO040739 George C. Irving 12070 Dancliff Trace Alpharetta, GA 30004	Irving, George	Johnson & Johnson 12070 Dancliff Trace Alpharetta, GA 30004 DC Medicaid	01/07/2004
LOBOOO040487 George Washington University 2121 Eye St., NW Washington, DC 20052	Demczuk, Bernard	George Washington University 2121 Eye Street, NW Washington, DC 20052 University Relations	01/16/2004

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§ 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040510 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	Public Consulting Group 212 South Tryon Street, 14th Floor Charlotte, NC 28281	01/15/2004
LOBOOO040819 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	PEPCO, Inc. 701 9th Street, NW Washington, DC 20068 Utility business	01/08/2004
LOBOOO040441 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	Medstar Health 5565 Sterrett Place Columbia, MD 21044 Healthcare	01/15/2004
LOBOOO040650 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	The Forge Company 1050 Thomas Jefferson Street, NW, Ste. 100 Washington, DC 20007	01/15/2004
LOBOOO040172 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	The Edmund Burke School 2955 Upton Street, NW Washington, DC 20008 Land issues	01/15/2004
LOBOOO040173 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	Washington Baseball Club 600 New Hampshire Avenue, NW Washington, DC 20037 Baseball Issues	01/15/2004
LOBOOO040687 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	ACS 1200 K Street, NW Washington, DC 20005 ACS	01/15/2004

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concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **4-0-1** (Geoffrey H. Griffis, David A. Zaidain, Ruthanne G. Miller and Curtis L. Etherly, Jr. to approve, the Zoning Commission member not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: FEB - 6 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>Address</i>	<i>Jan Date</i>
<i>Permanent Address</i>		<i>City, State and Zip</i>	<i>July Date</i>
<i>City, State and Zip</i>		<i>Nature of Lobbying</i>	<i>Term Date</i>
LOBOOO040445 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	The Corcoran Gallery of Art 500 17th Street, NW Washington, DC 20006 Re: Randall School	01/15/2004
LOBOOO040820 Group 360, LLC 3208 Q Street, NW Washington, DC 20008	Brown, Max	MCI, Inc. North Carolina Blvd, Suite 700 Walnut Creek, CA 94596 Advocate for legislation	01/15/2004
LOBOOO040689 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	The Greater Washington Board of Trade 1725 Eye Street, NW Washington, DC 20006	01/15/2004
LOBOOO040821 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	CEMUSA 645 N. Michigan Avenue, Suite 800 Chicago, IL 60611 Advertising	01/15/2004
LOBOOO040728 Group 360, LLC 3208 Q Street, NW Washington, DC 20007	Brown, Max	MCI 2175 North Carolina Blvd, Ste. 700 Walnut Creek, CA 94596	12/30/2003
LOBOOO040730 H Street Investment Corporation 501 H Street, NW Washington, DC 20002	Ray, John	H Street Investment Corporation 501 H Street, NW Washington, DC 20002	01/06/2004
LOBOOO040765 Holland & Knight 2099 Pennsylvania Ave. NW. Ste. 100 Washington, DC 20006	Glasgow, Norman Knight, Holland	LCOR Incorporated 6550 Rock Spring Dr. #280 Bethesda, MD 20817	01/12/2004

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17096 of Cecilia and Lorenz Wheatley, pursuant to 11 DCMR § 3104.1, for a special exception to allow a two-story rear addition to a single-family row dwelling under section 223 in the R-2 District at premises 1302 Allison Street, N.E. (Square 3978, Lot 19).

Note: The Board amended the originally filed variance application finding that the development proposed is eligible for special exception relief under section 223.

HEARING DATE: January 6, 2004, February 3, 2004
DECISION DATE: February 3, 2004

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5A, which is automatically a party to this application. ANC 5A did not participate in the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040764 Holland & Knight LLP 2099 Pennsylvania Ave. NW. Ste. 100 Washington, DC 20006	Knight, Holland Glasgow, Norman	Valhal Corp. 434 Broadway, 8th Fl., New York, NY 10013	01/12/2004
LOBOOO040787 Holland & Knight, LLP 2099 Pennsylvania Ave. NW. Ste 100 Washington, DC 20006	Patton, Douglas Woodson, Roderic Knight, Holland	Jobs Coalition, Inc. c/o Reverend Anthony Motley 4035 South Capitol Street SW. Washington, DC 20032	01/12/2004
LOBOOO040788 Holland & Knight, LLP 2099 Pennsylvania Ave. NW. Ste 100 Washington, DC 20006	Knight, Holland Patton, Douglas	Steele Hector Davis, LLP c/o Stephanie Anne Lipinski Galland 509 C St. NE Washington, DC 20002	01/12/2004
LOBOOO040812 Hotel & Rest. Employees Local 125 1003 K Street. NW. 7th Floor Washington, DC 20001	Powell, Rick	Hotel & Restaurant Employees Local 125 1003 K Street, NW, 7th Floor Washington, DC 20001	01/13/2004
LOBOOO040733 Hotel Association of Washington, D.C., Inc. 1201 New York Avenue, NW, Ste 601 Washington, DC 20005	Walker, Reba Wilmot, David	Hotel Association of Washington, DC 1201 New York Avenue, NW, Ste. 601 Washington, DC 20005 Hotel Industry	01/07/2004
LOBOOO040731 James E. Nathanson 1625 16th Street, NW, #501 Washington, DC 20009	Nathanson, James	D.C. Legal 1100 Connecticut Avenue, NW, #800 Washington, DC 20036	01/07/2004
LOBOOO040766 Kaiser Foundation Health Plan of the Mid -Atlantic States, Inc. 2101 East Jefferson St. Rockville, MD 20852	Kinlow, Tonya Thompson, Gail	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. 2101 East Jefferson Street Rockville, MD 20852	01/12/2004

BZA APPLICATION NO. 17094

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040054 Kraft Foods North America, Inc. P.O. Box 26603 Richmond, VA 23261	Boston, Frank Beauchemin, Edmond Candon, Mary	Kraft Foods North America, Inc. P.O. Box 26603 Richmond, VA 23261 Matters relating to food products	01/14/2004
LOBOOO040849 Law Office of Andrew J. Kline 1225 19th Street NW Ste. 320 Washington, DC 20036	Kline, Andrew	Restaurant Association of Metropolitan Wash. 1200 17th Street NW. Ste 110 Washington, DC 20036	01/21/2004
LOBOOO040849 Law Office of Andrew J. Kline 1225 19th Street NW Ste. 320 Washington, DC 20036	Kline, Andrew	Jillian's Management Co., Inc 4500 Bowling Blvd. Louisville, KY 40207	01/21/2004
LOBOOO040795 Lawrence E. Berman 50 F St. NW #600 Washington, DC 20001	Berman, Lawrence	Columbia Federal Ins. Co. 1908 Bladensburg Rd. NE. Washington, DC 20002	01/12/2004
LOBOOO040775 Lent Scrivner & Roth LLC 1420 New York Ave. NW Ste. 800 Washington, DC 20005	Lent, Norman	Michael S. Scrivner 1420 New York Ave. NW Ste. 800 Washington, DC 20005	01/13/2004
LOBOOO040783 Leo W. Doyle 190 Duke of Gloucester St. Annapolis, MD 21401	Doyle, Leo	Property Casualty Insurance Association of America(PCI formerly NAIL) 2600 River Rd. Des Plaines, IL 60018	01/12/2004
LOBOOO040410 Manatt, Phelps & Philips 1501 M St., NW Washington, DC 20005	Ray, John	Medias & Regies Europe, Medias & Regies America, Inc. 1375 East 9th St., Ste.2810 Cleveland, OH 44114 Prospective Street Furniture Advertising	01/08/2004

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 3-1-1 (Ruthanne G. Miller, Curtis L. Etherly, Jr. and
Geoffrey H. Griffis to approve; Peter G. May opposed
to the motion; David A. Zaidain abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: FEB - 6 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

DISTRICT OF COLUMBIA REGISTER

FEB 13 2004

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040408 Manatt, Phelps & Phillips 1501 M St., NW Washington, DC 20005	Ray, John Ang, Tina	D.C. Chartered Health Plan, Inc. 820 1st St., NE Washington, DC 20002 Health Care Services	01/08/2004
LOBOOO040476 Manatt, Phelps & Phillips 1501 M Street, NW Washington, DC 20005	Ang, Tina Ray, John	Greater Southeast Community Hospital Corp. 1310 Southern Avenue, SE Washington, DC 20032 DC Helthcare Alliance	01/08/2004
LOBOOO040815 Manatt, Phelps & Phillips 1501 M Street, NW Washington, DC 20005	Ray, John Ang, Tina	William Calomiris Company, LLC 1112 16th Street, NW, 9th Floor Washington, DC 20036 Housing conversion	01/08/2004
LOBOOO040642 Manatt, Phelps & Phillips 1501 M. Street NW Washington, DC 20005	Ray, John Ang, Tina	Prince George's Contractors, Inc. 4311 Kirby Road Clinton, MD 20735	01/08/2004
LOBOOO040505 Manatt, Phelps & Phillips 1501 M Street, NW Washington, DC 20005	Ray, John Ang, Tina	H Street Investment Corporation 501 H Street, NE Washington, DC 20002 Advice and counsel regarding government assisted development	01/08/2004
LOBOOO040615 Manatt, Phelps & Phillips 1501 M Street, NW Washington, DC 20005	Ray, John Ang, Tina	Thompson, Cobb, Bazilio & Associates 1101 15th Street, NW Washington, DC 20005	01/08/2004
LOBOOO040702 Manatt, Phelps & Phillips 1501 M Street NW Washington, DC 20005	Ray, John Ang, Tina	Mercer Human Resources Consulting % Marsh & McLennan Companies, Inc. 1166 Avenue of the Americas New York, NY 10036	01/08/2004

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17094 of Lujan Lujan Lujan Columbia Road, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 771, and a variance from the off-street parking requirements under subsection 2101.1, to allow commercial (restaurant/public hall) use of the third floor in the C-2-B District at premises 1834 Columbia Road, N.W. (Square 2551, Lot 27).

HEARING DATE: January 13, 2004

DECISION DATE: February 3, 2004

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 1C. ANC 1C submitted a letter in support of the application. The OP submitted a supplemental report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 771 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040737 McGlinchey Stafford, PLLC One American Place, 9th Floor Baton Rouge, LA 70825	Harkins, Deborah	Community Loans of America, Inc. 8601 Dunwoody Place, Ste. 406 Atlanta, GA 30350 Lending Law	01/07/2004
LOBOOO040744 MD-DE DC Soft Drink Association 176A Main Street Annapolis, MD 21401	Benitez, Ellen	MD-DE DC Soft Drink Association 176A Main Street Annapolis, MD 21401	01/12/2004
LOBOOO040736 Medias & Regies Europe 1375 East 9th Street, Suite 2810 Cleveland, OH 44114	Ray, John Ang, Tina	Medias & Regies Europe 1375 East 9th Street, Suite 2810 Cleveland, OH 44114 Furniture Advertising	01/07/2004
LOBOOO040732 Medical Society of DC 2175 K Street, NW, Ste. 200 Washington, DC 20037	Shanbacker, K. Edward	Medical Society of DC 2175 K Street, NW, Suite 200 Washington, DC 20037	01/07/2004
LOBOOO040874 Nowell Amoroso Klein Bierman 1050 Connecticut Ave. NW Washington, DC 20036	Cassidy, Thomas	PHRMA 1615 L. Street NW. Ste. 1260 Washington, DC 20036 Access RX Legislation	01/26/2004
LOBOOO040892 Pascal & Weiss P.C. 1008 Pennsylvania Avenue, SE Washington, DC 20003	Pascal, Paul	DC Association of Beverage Alcohol Wholesalers 1008 Pennsylvania Avenue, SE Washington, DC 20003	01/06/2004
LOBOOO040746 Pepco Energy Services 1300 North 17th St. NW Ste. 1600 Arlington, VA 22209	Trabue, Theodore	Pepco Energy Services 1300 North 17th St. NW, Ste. 1600 Arlington, VA 22209	01/09/2004

BZA APPLICATION NO. 17087-A

PAGE NO. 3

OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040747 Pepco Holdings, Inc. 701 Ninth St. NW Washington, DC 20068	Perry, Beverly	Pepco Holdings, Inc. 701 Ninth Street, NW Washington, DC 20068	01/09/2004
LOBOOO040534 Philip Morris USA Inc., 101 Constitution Ave. NW Suite 400W Washington, DC 20001	Colegrove, Dan Boston, Frank Candon, Mary Eva	Phillip Morris USA Inc., 101 Constitution Ave, NW Suite 400W Washington, DC 20001 Tobacco Products	01/14/2004
LOBOOO040748 Potomac Electric Power Company 701 Ninth Street NW Washington, DC 20068	Sim, William Trabue, Theodore	Potomac Electric Power Company 701 Ninth Street, NW Washington, DC 20068	01/09/2004
LOBOOO040813 Prince George's Contractors, Inc. 4311 Kirby Rd. Clinton, MD 20735	Ray, Manatt, Phelps & Phillips, John Ang, Manatt, Phelps & Phillips, Tina	Prince George's Contractors, Inc. 4311 Kirby Road Clinton, MD 20735	01/12/2004
LOBOOO040414 Property Casualty Insurers-(Nat'l. Assoc. of Indep. Ins.) 2600 S. River Rd. Des Plaines, IL 60018	Doyle, Leo	Property Casualty Insurers (Nat'l Assoc. of Indep. Ins.) 2600 S. River Road Des Plaines, IL 60018 Property and Casualty Insurance Industry	01/16/2004
LOBOOO040763 Protestant Episcopal Cathedral Foundation of .D.C. Mount Saint Alban's, NW Washington, DC 20016	PLLC., Arent Fox Kintner Plotkin & K	Protestant Episcopal Cathedral FD. of D.C. Mount Saint Alban's, NW Washington, DC 20016	01/12/2004
LOBOOO040789 Public Storage, Inc. 701 Western Avenue, Suite 200 Glendale, CA 91201	McDonald, Tom Kerrigan, Kathleen	Public Storage, Inc. 701 Western Avenue, Suite 200 Glendale, CA 91201 Uniform Commerical Code	01/09/2004

BZA APPLICATION NO. 17087-A

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Based upon the record before the Board and having given great weight to the ANC and OP reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

Reconsideration vote approving application under 11DCMR Section 223 taken on February 3, 2004:

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, David A. Zaidain, and Peter G. May to approve, Curtis L. Etherly, Jr. not participating, not voting).

FINAL DATE OF ORDER: **FEB - 6 2004**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>Address</i>	<i>Jan Date</i>
<i>Permanent Address</i>		<i>City, State and Zip</i>	<i>July Date</i>
<i>City, State and Zip</i>		<i>Nature of Lobbying</i>	<i>Term Date</i>
LOBOOO040850 Restaurant Association of Metropolitan Wash, Inc. 1200 17th Street NW. Ste 110 Washington, DC 20036	Association, Restaurant	Restaurant Association of Metropolitan Washington, Inc. 1200 17th Street, NW. Ste. 110 Washington, DC 20036	01/21/2004
LOBOOO040757 Ron M. Linton 202 N. Water St. Chestertown, MD 21620	Linton, Ron	Bear Stearns & Co. Inc. 383 Madison Ave. New York, NY 10179	01/09/2004
LOBOOO040868 Shaw Pittman LLP 2300 N Street NW Washington, DC 20037	Tummonds, Paul	Carr Enterprises, LLC 1750 H. Street NW Washington, DC 20006	01/22/2004
LOBOOO040865 Shaw Pittman, LLP 2300 N Street NW. Washington, DC 20037	Tummonds, Paul	The Army Distaff Foundation 6200 Oregon Ave. NW Washington, DC 20015	01/22/2004
LOBOOO040718 Sloan Consulting Inc. 7600 Georgia Avenue, NW, #208 Washington, DC 20012	Sloan, Douglass	Explore Information Services 5140 Moundview Drive Redwing, MN 55066 Implementing cost saving prog.	01/02/2004
LOBOOO040862 Takeda Pharmaceuticals America 475 Half Day Rd. Lincolnshire, IL 60069	Zowader, Don	Takeda Pharmaceuticals America 475 Half Day Road Lincolnshire, IL 60069	01/26/2004
LOBOOO040862 Takeda Pharmaceuticals America 475 Half Day Rd. Lincolnshire, IL 60069	Zowader, Don	Takeda Pharmaceuticals America 475 Half Day Road Lincolnshire, IL 60069 Pharmaceutical Manufacturer	01/26/2004

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17087-A of Jeffrey D. Kwaterski, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear garage with roof deck addition to a single family row dwelling under section 223 in the R-4 District at premises 1366 Quincy Street, N.W. (Square 2826, Lot 25).

Note: The Board on its own motion and waving its rules pursuant to 11 DCMR § 3126.7, voted to reconsider this application. On February 3, 2004, the Board amended the application by changing the relief required from area variances to a special exception from section 223.

HEARING DATE: December 9, 2003

DECISION DATE: December 9, 2003, February 3, 2004

RECONSIDERATION SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. The Board took issue with the variance relief identified in the Zoning Administrator's memorandum, finding instead that the Applicant was eligible for special exception relief under section 223.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 4C. ANC 4C submitted a letter in support of the application. OP did not participate in the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

DISTRICT OF COLUMBIA REGISTER
FEB 13 2004

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040771 Teachers Insurance and Annuity Association College Retirement Equities Fund(TIAA-CREF) Office of Government Affairs/Relations, 730 Third Ave, New York, NY 10017	Wilmot, David	Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA-CREF) 730 Third Avenue New York, NY 10017	01/12/2004
LOBOOO040869 The Army Distaff Foundation 6200 Oregon Ave. NW Washington, DC 20015	Tummonds, Shaw Pittman LLP, Pa	The Army Distaff Foundation Inc. 6200 Oregon Ave., NW Washington, DC 20015	01/22/2004
LOBOOO040778 The District of Columbia Association of Health Maint. Organizations(DCHMO) 1010 Vermont Ave. NW. Ste 810 Washington, DC 20005	Wilmot, David Bagwell, Andrea	The District of Columbia Association of Health Maint. Organizations (DCHMO) 1010 Vermont Ave. NW. Ste. 810 Washington, DC 20005	01/12/2004
LOBOOO040768 The Forge Company 1050 Thomas Jefferson Street, NW. Ste 100 Washington, DC 20007	Brown, Max	The Forge Company 1050 Thomas Jefferson Street, NW, Ste. 100 Washington, DC 20007	01/12/2004
LOBOOO040556 The Jewish Primary Day School of the Nation's Capital, Inc. 2100 Linden Lane Silver Spring, MD 20190	Arent Fox Kintner Plotkin & Kahn PLL	The Jewish Primary Day School of the Nation's Capital, Inc. 2100 Linden Lane Silver Spring, MD 20190	01/13/2004
LOBOOO040437 The TAC Companies, LLC 900 Second Street, NE. Suite 117 Washington, DC 20002	Adolph, Ronald	Waste Management of MD, Inc. 4900 Beach Place Temple Hills, MD 20748 Waste transfer	01/08/2004
LOBOOO040705 Thompson Cobb, Bazilio & Associates 1101 15th Street, NW Washington, DC 20005	Ray, John	Thompson Cobb, Bazilio & Associates 1101 15th Street, NW Washington, DC 20005	01/14/2004

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. MN/RSN

Lobbyist ID	Lobbyist Name	Compensating Registrant Address	Registrant Date
Registrant Name		City, State and Zip	Jan Date
Permanent Address		Nature of Lobbying	July Date
City, State and Zip			Term Date
LOBOOO040801 Tort Reform Institute, Inc. 1115 30th St. NW Washington, DC 20007		Tort Reform Institute, Inc. 1115 30th Street, NW Washington, DC 20007	01/12/2004
LOBOOO040134 Tregaron Limited Partnership 100 Ring Road West, #208 Garden City, NY 11530	George Covucci Thorn Pozen	Tregaron Limited Partnership 100 Ring Road West, #308 Garden City, NY 11530 Real Estate matters re: the Tregaron Estate	01/15/2004
LOBOOO040875 U.S. Jails & Prisons Forum 77 Elmira Street SW. Washington, DC 20032	Jones, Melvin	U.S. Jails & Prisons Forum 77 Elmira Street SW. Washington, DC 20032	01/26/2004
LOBOOO040807 USAA 1900 Campus Commons Drive, Ste. 125 Reston, VA 20191	Leaman, Donna	USAA 1900 Campus Commons Drive, Ste. 125 Reston, VA 20191	01/12/2004
LOBOOO040621 Van Scoyoc Associates 101 Constitution Ave. NW., Ste 600 West, Washington, DC 20001	Van Scoyoc, H. Stewart Lowe, George Diech, Michael Drass, David	Reino Parking Systems 4723 Tidewater Ave., Suite C Oakland, CA 94601 Parking Issues	01/22/2004
LOBOOO040159 Van Scoyoc Associates 101 Constitution Ave., NW #600 Washington, DC 20001	Van Scoyoc, H. Stewart Drass, David Lowe, George	Atlantic Transportation & Equipment 12120 Conway Road Beltsville, MD 20705 District School Bus Issues	01/22/2004
LOBOOO040804 Venable LLP 575 7th St. NW Washington, DC 20004	Huey, Erik	Verizon Wireless 1515 N. Courthouse Rd. #500 Arlington, VA 22201	01/12/2004

- b) a breakdown of faculty and staff by full-time, part-time, and contract basis for those contract personnel who work more than 10 hours per week on average; and
 - c) the number of written complaints or allegations of non-compliance received by the Applicant during the prior year, with a description of the nature of the complaints or allegations and a copy of each complaint.
18. The Applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C) during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.
19. The Applicant shall have flexibility to make minor revisions to any plans submitted in the record for renovations, rehabilitation, or replacements located in the interior of the school building so long as the revisions are not visible from adjacent or nearby property, do not require any new or additional zoning relief, and do not violate any condition set forth in this Order.

VOTE: **4-0-1** (Ruthanne G. Miller, David A. Zaidain, Carol J. Mitten, and Curtis L Etherly, Jr. (by absentee vote) voting to approve the application; Geoffrey H. Griffis not voting, having recused himself)

FINAL DATE OF ORDER: FEB 04 2004

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

DISTRICT OF COLUMBIA REGISTER

FEB 13 2004

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040743 Wash. Area New Automobile Dealers Assoc. 5301 Wisconsin Avenue, NW, Ste. 210 Washington, DC 20015	Murphy, Gerard Mann, Thomas	Washington Area New Automobile Dealers Assoc. 5301 Wisconsin Ave., NW, Ste. 210 Washington, DC 20015 Financing of motor vehicles	01/09/2004
LOBOOO040823 Washington Boat Lines, Inc. 1050 Thomas Jefferson Street, NW, Suite 100 Washington, DC 20007	Goodwin, Michael Pozen, Thorn	Washington Boat Lines, Inc. 1050 Thomas Jefferson Street, NW, Suite 100 Washington, DC 20007 General matters	01/15/2004
LOBOOO040767 Washington DC Association of Realtors 1818 N Street NW, Ste. T-50 Washington, DC 20036	Rudolph, Mary	Washington DC Association of Realtors 1818 N Street NW, Ste. T-50 Washington, DC 20036	01/12/2004
LOBOOO040148 Washington Drama Society, Inc. 1101 6th Street, SW Washington, DC 20024	Arent Fox Kintner Plotkin & Ka	Washington Drama Society, Inc. 1101 6th Street, SW Washington, DC 20024 Enactment of financing legislation	01/13/2004
LOBOOO040745 Washington Gas 101 Constitution Ave. NW Washington, DC 20080	Jumper, Steven Hope, Doreen	Washington Gas 101 Constitution Ave. NW Washington, DC 20080	01/12/2003
LOBOOO040829 Washington Jesuit Academy 800 Third Street, NE Washington, DC 20002	Plotkin & Kahn, PLLC, Arent Fox Kint	Washington Jesuit Academy 800 Third Street, NE Washington, DC 20002 Authorization for bond financing	01/13/2004
LOBOOO040803 Waste Management of Maryland Inc. 4900 Beech Place Temple Hills, MD 20748	Adolph, Ronald	Waste Management of Maryland Inc. 4900 Beech Place Temple Hills, MD 20748 Waste Management	01/09/2004

traditional to an elementary school offered by the Applicant or to the farmers market operating at the subject property.

14. The Applicant shall use its best efforts to ensure that:
 - a) students enter and exit the school building by means of either the 36th Street entrance or the playground doors closest to 36th Street that face Yuma Street;
 - b) faculty and staff enter and exit the school building through (i) the doors located on 36th Street, (ii) the doors adjacent to the Yuma Street playground, or (iii) the doors adjacent to the parking area on Alton Place for faculty and staff who park their vehicles in that parking area; and
 - c) students, parents, visitors, faculty, and staff enter and exit the school building on the Alton Place (north) side of the building when coming to the subject property by bicycle and using a bicycle rack located on the Alton Place side.
15. The Applicant shall provide faculty and staff with incentives, including the MetroChek program, to encourage the use of public transportation or to carpool to and from the subject property. The Applicant shall post signs adjacent to the Alton Place parking lot reserving at least three parking spaces for, or giving priority to, persons who carpool.
16. The Applicant shall comply with, implement, and enforce the traffic management plan described in Finding of Fact No. 15, as may be amended after consultation with the community liaison group.
17. No later than March 1st of each year, the Applicant shall submit an annual report to the Zoning Administrator setting forth its ongoing compliance with Conditions 2 through 16 of this Order during the prior calendar year, and shall transmit copies of the annual report, by mail or electronic mail, to the Office of Planning, ANC 3F, and the List of Neighbors. The annual report shall include, at minimum:
 - a) detailed information on the number of students enrolled (by range and average number enrolled);

DISTRICT OF COLUMBIA REGISTER**FEB 13 2004**

Lobbyist ID	Lobbyist Name	Compensating Registrant	Registrant Date
Registrant Name		Address	Jan Date
Permanent Address		City, State and Zip	July Date
City, State and Zip		Nature of Lobbying	Term Date
LOBOOO040841	Manatt Phelps & Phillips	William Calomiris Company, LLC	01/08/2004
William Calomiris Company, LLC	Manatt Phelps & Phillips	1112 16th Street NW. 9th Flr.	
1112 16th Street NW 9th Flr.	Ray, John	Washington, DC 20036	
Washington, DC 20036	Ang, Tina	The Housing Conversion and	
		Sale Act of 1980	
LOBOOO040836	Knight, Yvonne	Yvonne P. Knight	01/09/2004
Yvonne P. Knight		4400 Massachusetts Avenue,	
4400 Massachusetts Avenue, NW		NW	
Washington, DC 20016		Washington, DC 20016	
		Education	

school bus or van on the subject property after school hours for any period longer than 60 days. In the event a school bus or van is parked on the subject property, the Applicant shall report to the community liaison group with respect to its good-faith efforts to make alternative off-site parking arrangements within 14 days of the parking of a bus or van on the subject property and thereafter on a biweekly basis until the bus or van is relocated to an off-site property.

11. All mechanical equipment associated with the central heating and cooling ("HVAC") systems shall be located in the basement of the school building or in other interior areas of the building, except that new or replacement HVAC equipment may be installed and operated on the exterior of the building (including its roof) so long as the new or replacement HVAC equipment (a) generates operating noise no greater than the noise generated by the HVAC equipment it replaces, (b) is screened from neighboring property, and (c) is no larger in size, shape, or profile than the HVAC equipment it replaces. Any HVAC equipment not permitted by this paragraph shall require Board of Zoning Adjustment approval as a modification of the special exception approved in this Order.
12. Evening and weekend activities or events at the subject property shall be restricted to those activities and events that are customary to an elementary school (kindergarten through eighth grade).
 - (a) During activities or events at the school, ingress and egress shall be restricted to the building's main entrance on 36th Street, N.W.
 - (b) The Applicant shall notify all persons on the List of Neighbors (described in Finding No. 16(a)) of all planned activities or events at least one week in advance by mail or electronic mail.
 - (c) Activities or events attracting 50 or more persons or 25 or more vehicles shall be restricted to a maximum of 12 per year.
 - (d) This condition shall not to apply to the farmers market operating at the subject property.
13. The Applicant shall not rent or make the school or its facilities available for commercial or profit-making functions or activities such as dances, concerts, exercise classes, or other events. This condition shall not apply to the CASA or similar summer educational program or summer camp

**BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in two (2) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: 7D07

Petition Circulation Period: **Wednesday, Feb 4, 2003 thru Tuesday, February 24, 2004**

Petition Challenge Period: **Friday, February 27, 2004 thru Thursday, March 4, 2004**

VACANT: 4B07

Petition Circulation Period: **Monday, February 9, 2004 thru Monday, March 1, 2004**

Petition Challenge Period: **Thursday, March 4, 2004 thru Wednesday, March 10, 2004**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N**

For more information, the public may call 727-2525.

N.W. (Exhibit 42A) prior to any increase in enrollment above 215 students; and

- c) "students" is defined as those children who are enrolled in the school or participate in summer school or summer camp activities (including children who pay tuition or receive scholarships).
- 6. The hours of operation shall be between 7:30 a.m. and 6:00 p.m., Monday through Friday.
 - 7. No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday.
 - 8. The Applicant shall schedule deliveries at the subject property so that:
 - a) No pickups or deliveries shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday. The Applicant shall post a sign adjacent to the door located nearest to the parking lot on Alton Place indicating that no deliveries shall be accepted at that location except during the designated hours.
 - b) Deliveries of produce, perishable goods, or similar items that are time-sensitive may be accepted at the building's main entrance on 36th Street between 7:00 a.m. and 9:00 a.m. on an occasional "as-needed" basis.
 - c) No deliveries shall be made during the weekend or on school holidays.
 - 9. The Applicant shall maintain and continue a community liaison group in cooperation with Advisory Neighborhood Commission 3F, as described in Finding of Fact No. 16.
 - 10. The Applicant shall not park a school bus or van (a) on any residential streets within the boundaries of ANC 3F or (b) on the subject property after school hours unless arrangements for off-site parking are terminated by the owner of the off-site parking area (or other third party who controls the parking area) and the Applicant is unsuccessful in making arrangements for alternative off-site parking. In the event the arrangements for off-site parking are terminated, the Applicant shall use good-faith efforts to make alternative arrangements for off-site parking promptly, and shall not park a

ESCHEATED ESTATES FUND APPLICATION SCREENING COMMITTEE**NOTICE OF APPLICATION DEADLINES**

Notice is hereby given of the year 2004 Escheated Estates Fund Application Deadlines and the meeting dates on which the grant/loan applications Screening Committee ("Committee") will consider duly submitted applications.

Pursuant to Mayor's Order 86-128, the Committee accepts applications for grants and loans from the Escheated Estates Fund, as established by Mayor's Order 85-71. The Committee shall review all such applications for compliance with Committee guidelines, 37 DCR 711 (November 9, 1990), and make appropriate recommendations to the Mayor of the District of Columbia.

The application deadline dates and the corresponding Committee meeting dates are as follows:

- | | | |
|----|----------------------|--------------------|
| 1. | Application Deadline | March 26, 2004 |
| | Committee Meeting | May 7, 2004 |
| 2. | Application Deadline | June 25, 2004 |
| | Committee Meeting | August 6, 2004 |
| 3. | Application Deadline | September 24, 2004 |
| | Committee Meeting | November 5, 2004 |
| 4. | Application Deadline | December 30, 2004 |
| | Committee Meeting | February 9, 2004 |

District-based, non-profit organizations interested in applying for a grant or loan of up to \$10,000 should forward their applications and three (3) copies to:

Sherry Hobbs Newman, Chairman
Escheated Estates Application Screening Committee
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 419
Washington, DC 20004

Requests for an application form, applicable regulations, and instructions as well as other relevant inquiries should be directed, in writing, to the above address.

modest increase in the number of faculty and staff over the next 10 years is not likely to create objectionable impacts.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns of ANC 3F, the Board concludes that the Applicant has met its burden of proof. The Board has imposed numerous conditions in this order in response to the Applicant's proposal and the recommendations of the ANC. In addition, the Board concludes that a 10-year term is appropriate for the requested special exception.

It is hereby **ORDERED** that the application is **GRANTED**, subject to the following conditions:

1. The special exception approved by this Order shall remain in effect for **TEN (10)** years from the effective date of this Order.
2. The parking layout of the small parking area in front of the school building on 36th Street, N.W. and the main parking area on Alton Place, N.W. shall be as shown on Exhibit 42A of the record. The Applicant shall ensure that the parking areas are used in the manner depicted on Exhibit 42A, and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles and that there is no stacked parking in the parking area in front of the school building on 36th Street.
3. The parking area on Alton Place shall be used during school hours only by faculty and staff. During after-school hours, the parking area may be used by school visitors, parents, and members of the board of trustees.
4. The Applicant shall provide landscaping as shown on the landscaping plan prepared by Hickok Warner Cole dated July 16, 2003 (Exh. 42A), and shall maintain all landscaping in a healthy growing condition, replacing it when necessary in accordance with the landscaping conditions marked as Exhibit 45 (Tab B) of the record.
5. The number of students (including students enrolled during the customary school term from September to June and during the CASA or similar summer program between June and August) shall not at any time exceed 226, no more than 50 of which shall be kindergarten students; provided that:
 - a) the number of students shall not exceed 215 during the 2004-2005 school year and 220 during the 2005-2006 school year;
 - b) the Applicant shall complete the landscaping plan (Ex. 42A) and the revisions to the parking lots on Alton Place, N.W. and 36th Street,

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER SCHOOL

NOTICE OF A REQUEST FOR PROPOSAL:PREPARATION
OF FACILITIES DEVELOPMENT PLAN AND RELATED MATTERS

Washington, DC: Thurgood Marshall Academy Public Charter High School, a public secondary school for approximately 300 children in grades nine through twelve, seeks proposals to provide facilities development planning services for the School's proposed new facility at the site of the Nichols Avenue School Building and adjacent property. This solicitation is being made by the School in accordance with D.C. Code Section 38-1802.04(c)(1)(A). The School has obtained Concept Approval from the Office of the Deputy Mayor for Planning and Economic Development within the framework of an Exclusive Rights Agreement entered into previously by the School and the Office of the Deputy Mayor.

Specifically, the School seeks an individual(s) or company(s) that can provide site planning and architectural services, and financial analysis, funding sources identification and project management skill sets. Interested individuals and companies may obtain additional information regarding the School's facilities development planning needs by contacting Joshua Kern, President, at (202) 563-6862; fax: (202) 563-6946; or e-mail at "jkern@tmapchs.org." Final bids will be due by 5:00 p.m. EST, on March 15, 2004.

purpose, and integrity of the zone plan as embodied in the zoning regulations and map. D.C. Official Code § 6-641.07(g)(3) (2001); 11 DCMR § 3103.2.

The Board concurs with the Applicant and OP that the subject property is unique in light of the steep slope and dramatic change of grade along its south side. The topography results in a hillside comprising approximately 15 percent of the lot area that is unusable for building, parking, or driveway purposes. The strict application of the Zoning Regulations would result in practical difficulties to the Applicant because the exceptional topographical conditions of the site render a significant portion of the subject property unusable and diminish the Applicant's ability to provide parking spaces on-site other than in the two existing lots.

The Board also concludes that the requested variances would not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. By requesting variances from §§ 2117.4 and 2115.1 so as to permit tandem spaces and parking for compact cars, the Applicant will be able to maximize the number of vehicles that can be parked on the subject property without obstructing the drive aisle, thereby diminishing the likelihood of any spillover parking on neighborhood streets. Neither the Applicant's traffic expert nor DDOT identified any adverse impacts associated with the requested variances. Any negative visual impacts on neighboring property associated with the parking lots will be mitigated by the landscaping that the Applicant will plant and maintain on the school grounds, and by the Applicant's obligation to arrange to park school buses or vans at an off-site parking area.

By requesting a variance from § 2101.1, the Applicant seeks permission to increase the number of employees of the private school use at the subject property without providing additional parking spaces. After reconfiguration of the parking lots, the subject property will contain 37 parking spaces, while the Applicant currently has 55 faculty and staff and projects an increase to 60 employees by 2013. The strict application of the Zoning Regulations would require the Applicant to provide at least 40 parking spaces for 60 employees. The Board concludes that an increase in the number of employees at the subject property from the current 55 to 60 over the next 10 years is not likely to become objectionable to adjoining or nearby property because of traffic or parking or otherwise objectionable conditions, and that the 37 parking spaces provided on the subject property in the reconfigured parking lots will provide ample parking to accommodate the students, teachers, and visitors likely to come to the site by automobile. With the increase in the number of parking spaces provided on site, effective implementation of the transportation management plan, and provision of incentives to encourage faculty and staff to take public transportation or carpool, a

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No 16927-A of the Public Welfare Foundation and Manna, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the lot area and lot width requirements under § 401, a variance from the lot occupancy requirements under § 403, a variance from the rear yard requirements under § 405, a variance from the parking space location requirements under subsection 2116.1, and a variance from the building on alley lots provisions under subsection 2507.2, to allow the construction of 10 single-family row dwellings in the R-4 District at premises rear 1300 block of Temperance Court, N.W. (Square 274, Lots 57-61, and 804 through 820 (1 through 12 per sub.)).

HEARING DATE: October 22, 2002

DECISION DATES: December 10, 2002, January 14, 2003, February 4, 2003, April 1, 2003

DATE OF DECISION ON RECONSIDERATION: October 7, 2003

ORDER DENYING RECONSIDERATION

On August 25, 2003, the applicants, the Public Welfare Foundation and Manna, Inc. ("Applicants"), moved for reconsideration of the Board of Zoning Adjustment's ("Board") August 15, 2003 order denying their application for variance relief. *See*, § 3126 of Title 11 of the District of Columbia Municipal Regulations ("DCMR"). In their Motion for Reconsideration ("Motion"), the Applicants reiterated their arguments and set forth several alleged errors in the Board's decision.

Although the Board remains sympathetic to the Applicants' desire to provide affordable housing, it is not persuaded by the Motion for Reconsideration. The Applicants claim in their Motion that they are not basing their requests for relief on either economics or the fact that the lots at issue are served by less-than-thirty-foot alleys. Instead, they say the variance relief is based on the fact that the lots suffer from an exceptional condition in that they are surrounded by alleys, and therefore, their depth cannot be increased. (*See*, Motion at 3.) The Board fails to see how this is any different from any other lot, whether it be surrounded by streets, other property owners, or alleys. The depths of these properties cannot be increased either.

Thus the fact that these lots are surrounded by alleys does not make them unique and the Board can find no other extraordinary or exceptional condition of the property. One lot is a long, rectangular parcel and the other is a smaller, square

at least eight years, and, by complying with the same cap in effect for student enrollment, is not likely to cause objectionable conditions or adversely affect neighboring property, particularly since fewer faculty and staff are required for the summer program than during the regular school year. The Board credits the findings of the Applicant's transportation study in concluding that the proposed increase in enrollment will not create objectionable traffic impacts.

The Board also concurs with the Applicant and the Office of Planning that the proposed additions to the school building and the reconfiguration of the parking areas are not likely to cause objectionable conditions or adversely affect neighboring property. The proposed additions will increase the gross floor area of the building by only four percent, will be at least 100 feet from any neighboring residence, and will likely lessen any noise impacts associated with the private school use due to the type of windows to be installed in the additions. Reconfiguration of the parking areas will not create adverse impacts on neighboring property but will further reduce the likelihood of spillover parking on neighborhood streets by increasing the number of parking spaces available on the subject property from 26 to 37.

The Board concludes that, pursuant to §§ 206 and 3104.1, the special exception relief requested for the private school can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and that as conditioned by this order, the special exception will not tend to affect adversely the use of neighboring properties in accordance with the Zoning Regulations and Map.

Variances. The Applicant also seeks variances from requirements concerning access to parking spaces on the subject property, the minimum size of the parking spaces, and the number of parking spaces required for private school use under chapter 21 of the Zoning Regulations. A private school use is required to provide "[a]mple parking space, but not less than that required in chapter 21 ... to accommodate the students, teachers, and visitors likely to come to the site by automobile." 11 DCMR § 206.3.

The Board is authorized to grant a variance from the strict application of the zoning regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent,

BZA APPLICATION NO. 16927-A

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parcel. Together, they encompass 12,785.55 square feet. Also, as stated in the order, and even upon reconsideration, the Board can find no credible showing of practical difficulties by the Applicants. Moreover, the practical difficulties the Applicants allege stem from trying to build a density of development out of proportion with the amount of land available and its restricted access.

The parcels could sustain development, but not at the density the Applicants propose. The Board continues to conclude that, at the density proposed by the Applicants, the project would result in substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map and could potentially result in detriment to the public good. *See*, 11 DCMR § 3103. The Board interprets § 2507 of the zoning regulations as disfavoring construction of any dwellings on alley lots and as prohibiting one-family dwellings on alley lots without street access through alleys at least 30 feet wide. Clearly, § 2507 was enacted to prevent overcrowding of dwellings on alley lots and the Applicants' proposed project could end up creating just the scenario that § 2507 was enacted to prevent.

Before granting a variance, the Board must seriously consider all the legally relevant aspects of the request, including the magnitude of the relief requested. *See, e.g., In the Matter of National Meritt v. Weist*, 41 N.Y. 2d 438, 441, 361 N.E.2d 1028, 393 N.Y.S.2d 279 (Ct. App. 1977). ("[T]he magnitude of the desired area variance ... is significant since the greater the variance in area restrictions the more severe the likely impact upon the community.") The magnitude of the zoning relief requested is indicative that the Applicants are attempting to undertake too much on a property too small and too poorly-served access-wise to sustain it. Matter-of-right standards set forth in the regulations are considered the maximum optimal conditions in the particular zone and should not be discarded lightly. Further, where the regulations imply a clear policy choice against a use, such as § 2507's restrictive treatment of dwellings on alley lots, the Board is not free to ignore this implication.

The Board can grant variances only when the required proofs are made and when the magnitude of the relief requested does not do violence to the zone plan as embodied in the zoning regulations and map. The Applicants have not made the required proofs and their proposed development would substantially impair the zone plan. The Board has considered the evidence in the record, including the reports of other agencies, as well as the Motion on Reconsideration, but is not convinced that its decision should be changed. The Motion is therefore **ORDERED DENIED.**

VOTE: 3-1-1 (Geoffrey H. Griffis, Anthony J. Hood, and David A. Zaidain, to deny; Curtis L. Etherly, to grant; the fifth

requested variances could be granted without substantially impairing the intent and purpose of the zone district, noting that the impact of the variances would be contained within the subject property with no adverse impact on the adjoining neighborhood.

23. The Department of Transportation recommended approval of the application, and did not identify any objectionable conditions or adverse impacts associated with the requested special exception or variances.
24. ANC 3F recommended approval of the application subject to the proposed conditions devised jointly by the Applicant and representatives of the surrounding neighborhood, along with the Applicant's proposed construction management plan and landscape management plan. The ANC subsequently indicated its support for the revised proposed conditions submitted by the Applicant on October 14, 2003.

Conclusions of Law

Special exception. The Applicant seeks a special exception to expand its existing private school use by (a) increasing maximum enrollment from 215 to 226 students; (b) allowing up to 226 students to enroll in the summer educational program; (c) enlarging the school building through construction of small additions (each 150 square feet) to eight classrooms; and (d) modifying two parking areas at the subject property to increase parking on-site. The Board is authorized to grant a special exception where, in its judgment, the special exception will "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps..." 11 DCMR § 3104.1. The Application must also satisfy § 206 of the Zoning Regulations, which requires that a private school use must be located "so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions" and that "ample parking space" is provided to "accommodate the students, teachers, and visitors likely to come to the site by automobile." 11 DCMR § 206.

The Board concurs with the Applicant and the Office of Planning that the requested increases in student enrollment and in authorized participation in the summer educational program are not likely to cause objectionable conditions or adversely affect neighboring property. The higher enrollment cap represents an increase of only 11 students (or five percent) over the current maximum permitted enrollment, and will be phased in gradually with a maximum of 215 students during the 2004-2005 school year and a maximum of 220 during the 2005-2006 school year. Similarly, the summer educational program has been in operation for

BZA APPLICATION NO. 16927-A

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member, not having heard the case, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: FEB - 6 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT. LM/rsn

- (a) The community liaison group will meet at least four times per year. The Applicant will send notice of each meeting at least two weeks in advance, by mail or electronic mail, to all property owners or occupants located in the 3500 and 3600 blocks of Yuma Street, N.W., the 3500 and 3600 blocks of Alton Place, N.W. and the 4300-4500 blocks of 36th Street, N.W. ("List of Neighbors"), unless an affected property owner or occupant has notified the Applicant in writing of a desire not to receive further notices. The Applicant will also transmit, every September, an annual schedule of the meetings of the community liaison group to ANC 3F and the List of Neighbors.
 - (b) The community liaison group will discuss and attempt to resolve issues such as concerns about the conduct of the school's activities and operations; implementation of the drop-off and pick-up program; use of public transportation and carpooling by faculty and staff; implementation of the landscaping plan and ongoing maintenance and replacement of plant material; compliance with conditions adopted by the Board; traffic reduction and traffic safety; and other issues of interest pertaining to the school. The Applicant will also use the meetings to notify the community of upcoming special or other events at the subject property.
 - (c) To ensure accurate information is made available to residents of the neighborhood, the Applicant will take detailed minutes of all meetings of the community liaison group and transmit them by mail or electronic mail to the List of Neighbors. The minutes will be maintained for a minimum of two years by the Applicant and will be made available for public inspection.
21. The Office of Planning concluded that the application was consistent with the requirements of § 206 because approval of the requested special exception would not create adverse impacts on neighboring property with respect to noise, number of students, traffic, or parking.
22. OP stated that the subject property is unique due to its exceptional slope and topography, and that a practical difficulty would result to the Applicant if required to provide parking as specified in the Zoning Regulations. With respect to the Applicant's proposal to provide stacked parking, OP noted that all of the off-street parking spaces were intended for long-term parking by employees of the school, which would provide a low turnover rate suitable to the use of smaller parking spaces. OP concluded that the

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 16977 of the Sheridan School, pursuant to 11 DCMR § 3104.1, for a special exception under § 206 to add 1,200 square feet of gross floor area to an existing building, to reconfigure the parking area in front of the school along 36th Street in order to add four (4) additional parking spaces, to increase the number of students enrolled in the school from 215 to 226, and to authorize the number of students who may be enrolled in the CASA summer program in excess of one hundred (100) students; and pursuant to 11 DCMR § 3103.2, a variance from the requirement that parking spaces be accessible at all times directly from an improved street or alley under § 2117.4, a variance from § 2115.1, from the minimum size requirement for a parking space, and a variance from the off-street parking requirements for an elementary or junior high school under § 2101.1, to allow a private school in the R-2 District at premises 4400 36th Street, N.W. (Square 1968, Lot 10).

HEARING DATE: September 30, 2003
DECISION DATE: November 4, 2003

DECISION AND ORDER

This application was filed on December 4, 2002 by the owner of the property that is the subject of the application, Sheridan School ("Applicant"), an existing private school use in an R-2 zone at 4400 36th Street, N.W. (Square 1968, Lot 10). The application was amended July 31, 2003 to request a special exception under 11 DCMR § 206 to (i) add 1,200 square feet of gross floor area to an existing building, (ii) reconfigure the parking spaces in front of the school building along 36th Street to add four additional parking spaces and reconfigure the parking lot on Alton Place, N.W. to accommodate 29 parking spaces, (iii) increase the maximum number of students from 215 to 226, and (iv) authorize the number of students enrolled in a summer program in excess of 100 students. The Applicant also requested variance relief from 11 DCMR § 2117.4, concerning access to required parking spaces from improved streets or alleys; § 2115.1, concerning the minimum size of parking spaces; and § 2101.1, concerning the parking requirement for an elementary or junior high school. The requested zoning relief was self-certified pursuant to 11 DCMR § 3113.2.

Following a public hearing, the Board voted 4-0-1 on November 4, 2003 to approve the application subject to conditions.

Preliminary Matters

- (d) the proposed increase in enrollment to 226 students would generate up to 34 additional school peak hour vehicle trips, which would have no significant adverse traffic impacts and would not be objectionable; and
 - (e) safe and efficient traffic and pedestrian flows were generally observed in the vicinity of the subject property on school days, with through traffic on neighborhood streets moving at appropriately slow speeds, unimpeded by Sheridan school traffic.
18. The Applicant submitted a landscaping plan (Exhibit No. 42, Tab D) designed to screen and landscape the parking lot on Alton Place to decrease its visibility to neighbors and to improve the landscaping of the subject property generally, especially around the perimeter of the site.
19. The Applicant proposes to implement and enforce a traffic management plan whose elements include school policies governing the morning drop-off and afternoon pickup procedures for students who are driven to school. Requirements of the transportation management plan include that:
- (a) vehicles used in dropping off or picking up students along the west side of 36th Street between Alton Place and Yuma Street may not park or leave their vehicles unattended;
 - (b) students may not cross in the middle of the block on 36th Street between Alton Place and Yuma Street;
 - (c) U-turns are not permitted on 36th Street between Alton Place and Yuma Street;
 - (d) vehicles may not be parked in front of the driveways or on the lawns of any nearby residential properties, and
 - (e) vehicles may not be double-parked on any neighborhood streets.
20. The Applicant proposes to continue a community liaison group, in cooperation with ANC 3F, to report on the Applicant's compliance with the conditions of approval of its application, to provide a forum for neighborhood residents to express their concerns about the operations and activities of the Applicant, and to notify residents of upcoming special events at the subject property. Pursuant to the Applicant's proposal:

Notice of Application and Notice of Hearing. By memoranda dated December 4, 2002, the Office of Zoning gave notice of the filing of the application to the Zoning Administrator; the Office of Planning ("OP"); the Department of Transportation ("DDOT"); Advisory Neighborhood Commission ("ANC") 3F, the ANC for the area within which the subject property is located; the ANC commissioner for the affected single-member district, ANC 3F01; and the Councilmember for Ward 3.

The Board scheduled a public hearing on the application for February 25, 2003. Pursuant to 11 DCMR § 3113.13, the Office of Zoning, on December 19, 2002, mailed notice of the hearing to the Applicant, the owners of all property within 200 feet of the subject property, and ANC 3F. Notice of Hearing was also published in the *D. C. Register* on August 22, 2003, at 50 DCR 6971. The Board twice granted requests by the Applicant, with the support of ANC 3F, to continue the hearing so that the Applicant could seek resolution of outstanding issues with the ANC and neighbors of the school, and could amend its application to reflect resolution of the issues and to address transportation and parking issues raised by DDOT. The public hearing was held September 30, 2003. The Applicant's affidavit of posting indicates that zoning posters were placed on the subject property in plain view of the public on September 15, 2003.

Requests for Party Status. ANC 3F was automatically a party to this proceeding. The Board granted party status to Scott A. Schachter, who resides at 3627 Alton Place, N.W., but denied seven requests for party status by persons who were not present at the hearing.

Applicant's Case. The Applicant presented testimony and evidence from Randall Plummer, Head of School, with respect to the need to modernize the existing facility and to address neighborhood issues concerning the Sheridan School; the Applicant's architect, Michael Hickok, AIA, a principal in Hickok Warner Cole Architects,¹ with respect to the parking and landscape plans (Exh. 42A, exhibits A and D); and the Applicant's traffic planner, Martin J. Wells, President, Wells & Associates, with respect to traffic and parking studies. After the public hearing, on October 14, 2003, the Applicant submitted revised proposed conditions of approval of the application (Exh. 56, exhibits 2-4).

Public Agency Reports and Memoranda. By memorandum dated September 19, 2003, the Office of Planning recommended approval of the application as submitted by the Applicant (Exh. 49). OP reviewed the application in terms of the

¹ The architectural firm formerly known as Hickok Warner Fox became Hickok Warner Cole Architects on April 1, 2003.

- (b) The unique lot conditions cause practical difficulties in that the Applicant is not able to provide parking on the subject property other than in the parking lots currently provided along Alton Place and 36th Street. The area between the steep hillside along Yuma Street and the school building is occupied in part by outdoor play areas. The remainder of the site is occupied by the school building, by landscaped areas, and by the small parking lot on 36th Street and the main parking lot along Alton Place. There is no land on which to locate additional full-sized parking spaces or additional non-tandem spaces.
 - (c) The requested variances would not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. Tandem parking would keep the drive aisle unobstructed, where a "stacked" arrangement, in which cars are parked in the drive aisle, has been in place for many years without adverse impact on the surrounding neighborhood and with few complaints. By maximizing available parking on-site, the Applicant would relieve overflow parking pressure on nearby streets and eliminate or minimize the need for on-street parking by faculty and staff, even with modest growth in the number of employees over the next 10 years.
17. The Applicant submitted a transportation study prepared by Wells & Associates, LLC dated July 30, 2003 (Exh. 42A, exhibit 3), which concluded that no substantial detriment to the public good would result from the grant of the requested variances. The study's findings included that:
- (a) 36th Street at Yuma Street and Alton Place currently operates at acceptable levels of service, at less than a third of capacity;
 - (b) with respect to traffic, the peak hours of the school and the street do not coincide, with the school peak occurring 15 minutes before the street peak in the morning and one and a half hours earlier than the street peak in the afternoon;
 - (c) the school presently generates approximately 325 to 335 vehicle-trips during school peak hours;

subject property's zoning, the intensity of use, the character of the neighborhood, and the standards for special exception and variance relief. By memorandum dated September 26, 2003, DDOT recommended approval of the application without any conditions (Exh. 52).

ANC Report. By resolution dated September 15, 2003 (Exh. 48), ANC 3F noted a unanimous vote, at a duly noticed public meeting with a quorum present, to approve the application with a request that the Board adopt certain conditions attached to the ANC's report. At the public hearing on September 30, 2003, Carl Kessler, Commissioner for single-member district ANC 3F01, and Cathy Wiss, ANC 3F Chair, testified about the Applicant's efforts to address community concerns. By letter dated October 21, 2003, ANC 3F submitted a resolution, approved unanimously at a duly noticed public meeting on October 20, 2003 with a quorum present, indicating that the ANC had no objection to the Applicant's revised proposed conditions of approval of the application (Exh. 58).

Party in Opposition. Scott Schachter, who had requested party status in opposition to the application, testified that he was not opposed to approval of the application subject to the Board's adoption of the proposed conditions submitted by the Applicant.

Persons in Support or Opposition. The Board received two letters in support of the application, both from long-time residents of the 4300 or 4400 block of Reno Road, N.W. (Exs. 46 and 47). No persons submitted letters or testified in opposition to the application.

Findings of Fact

The subject property

1. The subject property is located at 4400 36th Street, N.W. (Square 1968, Lot 10) in the Van Ness neighborhood of Ward 3. The site is generally rectangular, with a frontage of approximately 225 feet along 36th Street, 307 feet along Alton Place, and 266 feet along Yuma Street, for a total lot area of approximately 70,647 square feet. The site slopes gently along Alton Place but suffers a substantial change of grade along the Yuma Street frontage.
2. The subject property is currently developed with a private school for 215 students. The school building was constructed circa 1964 for a maximum of 200 students pursuant to BZA Order No. 7282 (May 21, 1962). By Order No. 13089 (February 27, 1980), the Board approved construction of an addition to the school to house two staff offices on the first floor and a

13. Under Chapter 21 of the Zoning Regulations, a private school use is required to provide two parking spaces for every three employees. The Applicant is therefore required to provide 36 parking spaces for its 55 current employees. By increasing the number of employees to 60, the Applicant would be required to provide at least 40 parking spaces on the subject property pursuant to §§ 206 and 2101.1.
14. The Alton Place lot is presently striped to accommodate 22 parking spaces, including one handicapped space. The Applicant's proposal to employ tandem parking and parking for compact cars would make room for seven additional cars, for a total of 29 parking spaces in the lot on Alton Place. With the addition of eight parking spaces in the lot on 36th Street, the subject property will accommodate a total of 37 parking spaces on site, where there are currently 26 spaces.
15. The Applicant requested three variances related to parking:
 - (a) a variance from the requirement under § 2117.4 that each parking space must be accessible at all times directly from an improved street or alley, so that the Applicant could provide tandem spaces in its main parking lot on Alton Place;
 - (b) a variance from the requirement under § 2115.1 that each parking space must be at least nine feet in width and 19 feet in length, so that the Applicant could provide parking spaces for compact cars, thereby maximizing the total number of spaces provided on-site; and
 - (c) a variance of three spaces from the requirement under § 2101.1 that an elementary or junior high school must provide two parking spaces for each three teachers and other employees, so that the Applicant could increase the number of faculty and staff from 55 to 60 over the next 10 years.
16. The Applicant stated that the tests for the requested area variances were satisfied:
 - (a) The subject property is unique given the steep slope and dramatic change of grade that exists along the south side of the property. The slope and change of grade result in a hillside along Yuma Street that comprises approximately 15 percent of the lot area of the subject property and is unusable.

science laboratory on the second floor. By Order No. 15656 (December 23, 1992), the Board approved an increase in enrollment to 215 students and the construction of an addition containing classrooms, a library, a gymnasium, and support facilities.

3. The Applicant currently uses the existing building on the subject property as a private school for kindergarten through eighth grades (i.e., lower school, middle school, and junior high school). The school now enrolls approximately 205 students, approximately 60 percent of whom live in the District of Columbia.
4. Fifty-five faculty and staff (including six outside contractors) currently work at the subject property either full- or part-time. The Applicant anticipates increasing its faculty and staff to 60 persons over the next 10 years (i.e. through 2013).
5. The subject property is zoned R-2.
6. A farmers market operates on school grounds during certain evening and weekend hours in spring and summer months. The Applicant indicated that its proposal to restrict evening and weekend activities at the subject property was not intended to apply to or prevent the continuation of the farmers market, which enjoys widespread support in the community. The representative of ANC 3F also testified in support of continuing the operation of the farmers market on the subject property.
7. The Applicant makes its playground on the Yuma Street (south) side of the school building available to the community during non-operational hours (i.e., after 6:00 p.m. to dusk Monday through Friday and during daylight hours on weekends and school holidays) except when a school event is scheduled.

The Applicant's proposal

8. The Applicant proposes to expand the existing private school use through:
 - (a) an increase in the maximum enrollment from 215 to 226 students, phased in over three years;
 - (b) approval of the number of students who may be enrolled in the school's summer educational program in excess of 100, to a maximum of 226 students;

- (c) the construction of additions of 150 square feet to each of eight classrooms to increase their size and versatility;
 - (d) the reconfiguration of a small parking area in front of the school on 36th Street to accommodate eight vehicles; and
 - (e) the reconfiguration of a parking lot on Alton Place to accommodate 29 vehicles.
9. The Applicant stated that the requested increase in enrollment – from 215 to 226 students – would provide flexibility and assist the school in stabilizing its annual finances. According to the Applicant, the higher enrollment would not cause objectionable conditions or adversely affect neighboring property because the number of additional students would be small, and because the Applicant anticipated that the maximum number of students enrolled in any given year would not necessarily reach the cap of 226.
10. The Applicant also proposed an enrollment cap of 226 students for its summer educational program, known as CASA (Creative Arts Summer Adventure). The CASA program, which has been operating at the school for eight years, offers educational services in two sessions, each three and a half weeks long, between late June and early August. In 2002 approximately 192 students attended each session. The CASA program requires fewer teachers and staff than are provided from September through June.
11. The proposed additions, in the form of bays adding 150 square feet to each of eight classrooms, will increase the gross floor area of the building by four percent. The bays will be separated from nearby houses by at least 100 feet. Normal day-to-day activities in the eight enlarged classrooms, which are currently used by students in kindergarten through third grade, are unlikely to create any noise that would be heard by residents of nearby houses, particularly since the new construction would result in better soundproofing through the use of thicker glazing on the classroom windows.
12. The classroom additions, constituting a total of approximately 1,200 square feet of gross floor area, will be constructed as shown on the site plan prepared by Hickok Warner Cole dated July 29, 2003 (Exh. 42A) and the floor plans and elevations prepared by Hickock Warner Fox dated October 14, 2002 (Exh. 1).